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Remarks

Reconsideration of the above-captioned application is respectfully requested. Claims 1-3, 5-22, and 23-31 have been rejected under 35 U.S.C. §103 as being obvious over Zegelin et al. (USPN 6,694,430) combined with Lee et al. (USPN 6,728,531) and Lewis et al. (USPN 5,294,792), and Claim 30 has been rejected as being obvious over Cook (USPN 6,788,332) in view of Lewis et al.

Claim 1 as now amended recites that the data is sent via a wireless path to an email address associated with the selected destination as disclosed on, e.g., page 8, first full paragraph. None of the references applied against Claim 1 mention uploading data from a wireless device to an email address; at most, Lee et al. teaches downloading email to a wireless device. The rejections of Claim 1 and its respective dependent claims have been overcome.

Claim 11 as now amended requires a network router as disclosed on page 6, fourth full paragraph and shown in Figure 3. None of the applied references mentions a router. Accordingly, the rejections of Claim 11 and its respective dependent claims have been overcome.

With respect to the rejection of Claims 30 and 31 using Zegelin et al., Lee et al., and Lewis et al., it is noted that Claim 31 has been canceled previously and that the rejection fails to address the limitations of Claim 30, but rather casts Claim 30 in terms of language that more nearly parallels that of Claim 1 - which is a very different claim. The rejection of Claim 30 based on these three references thus does not identify where any claim element is in the prior art and, hence, must be withdrawn.

Turning to the rejection of Claim 30 on the basis of Cook and Lewis et al., Lewis et al. is directed to a handwriting recognition pen, which is not analogous to the digital camera of Cook. Specifically, it has not been shown where the prior art indicates that the wireless digital camera artisan would logically have

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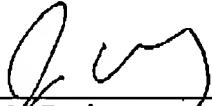
consulted the handwriting recognition art, as is otherwise required by MPEP §2136 to establish analoguousness. On this basis, the rejection is overcome.

Furthermore, the pen of Lewis et al. does not envision network use. Instead, it motivates the skilled artisan to cause an automatic download only to a host computer that is in nearby the pen. For this reason, even if Lewis et al. were to be combined with Cook, Claim 30, which now requires a network router, would not result. For this further reason, it appears that Claim 30 is patentable.

The fact that Applicant has focussed its comments distinguishing the present claims from the applied references and countering certain rejections must not be construed as acquiescence in other portions of rejections not specifically addressed.

The Examiner is cordially invited to telephone the undersigned at (619) 338-8075 for any reason which would advance the instant application to allowance.

Respectfully submitted,


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